



Patent

Docket Number: ACE-00101.P.1.1-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
XU et al )  
Application No.: 10/705,447 )  
Filed: November 10, 2003 )  
For: IMPEDANCE BASED DEVICES )  
AND METHODS FOR USE IN )  
ASSAYS )

---

Commissioner for Patents  
Alexandria, VA 22313

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Applicants respectfully request the following corrections to the Filing Receipt mailed 005/25/2004:

In the Domestic Priority data as claimed by applicant field, please ADD:  
and claims benefit of 60/397,749 07/20/2002

The above referenced priority claim is proper because the present nonprovisional patent application properly claims priority to PCT Patent Application No. PCT/US03/22557, which designates the U.S. and properly claims priority to U.S. Provisional Application No. 60/397,749.

Applicants' signed declaration claims priority to U.S. Provisional Patent Application No. 60/397,749.

Applicants note the response of September 16, 2004 stated that the office was unable to comply with the prior request for a corrected filing receipt and provided the following reason:

“The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.”

However, we refer to 35 U.S.C. 365 (c), which states:

(c) In accordance with the conditions and requirements of section 120 of this title, an international application designating the United States shall be entitled to the benefit of the filing date of a prior national application or a prior international application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international application designating the United States.

Applied to the present situation, PCT Patent Application No. PCT/US03/22557 is entitled to the benefit of the filing date of provisional application U.S. Provisional Application No. 60/397,749 (filed July 20, 2002) , and the present application no. 10/705,447 is entitled to the benefit of the filing date of PCT Patent Application No. PCT/US03/22557. Since PCT Patent Application No. PCT/US03/22557 has the benefit of the July 20, 2002 provisional file date, the present application properly claims priority to U.S. Provisional Application No. 60/397,749, filed July 20, 2002..

Please apply any charges not covered, or any credits, to Deposit Account 501321 in the name of David R. Preston & Associates having Customer No.: 24232.

Date: Jan 27, 2005

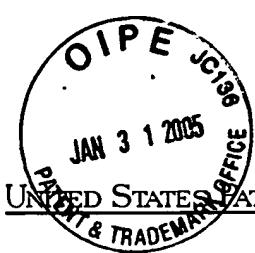
Respectfully submitted,



David R. Preston  
Reg. No. 38,710

David R. Preston & Associates, A.P.C.  
12625 High Bluff Drive  
Suite 205  
San Diego, CA 92130

Telephone: 858.724.0375  
Facsimile: 858.724.0384



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/705,447	11/10/2003	1632	738	ACE-00101.P.1.1-US	57	52	2

CONFIRMATION NO. 4588

24232  
 DAVID R PRESTON & ASSOCIATES  
 12625 HIGH BLUFF DRIVE  
 SUITE 205  
 SAN DIEGO, CA 92130



\*OC000000013826762\*

Date Mailed: 09/16/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Xiao Xu, San Diego, CA;  
 Xiaobo Wang, San Diego, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 24232.

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/435,400 12/20/2002  
 and claims benefit of 60/469,572 05/09/2003

*And claims benefit of 60/397,749 07/20/2002*

## Foreign Applications

UNITED STATES OF AMERICA PCT/US03/22557 07/18/2003

If Required, Foreign Filing License Granted: 02/24/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,  
**US10/705,447**

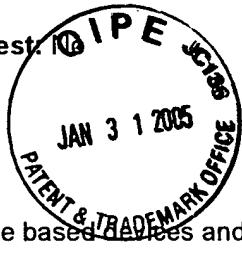
Projected Publication Date: To Be Determined - pending completion of Sequence Disclosures

Non-Publication Request: No

RECEIVED  
 SEP 20 2004  
 BY: *[Signature]*

Early Publication Request

\*\* SMALL ENTITY \*\*



Title

Impedance based assays and methods for use in assays

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).